

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit	:	2623	Customer No.: 038511
Examiner	:	Justin E. Shepard	
Serial No.	:	10/040,696	
Filed	:	December 28, 2001	
Inventors	:	Laurent Chouraqui Jerome Chouraqui Etienne Grange Fabien Chancoin	Docket No.: 1386-01 Confirmation No.: 4983
Title	:	PROCESS FOR THE CREATION OF INTERACTIVE AUDIOVISUAL CLIPS	

Dated: December 21, 2007

**RESPONSE**

**Mail Stop Amendment**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is in response to the Official Action dated June 22, 2007.

Claims 1, 3-8, and 11-18 are pending in the application. No claim amendments were made and no new matter has been added. In light of the following remarks, the Applicants respectfully request reconsideration and withdraw of all grounds of rejection.

Claims 1, 4, and 12-18 have been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,314,569 to Chernock et al. ("Chernock") in view of U.S. Patent No. 6,578,201 to LaRocca et al ("LaRocca"). For reasons set forth below, the Applicants respectfully disagree.

Chernock is directed to a method of displaying a multimedia presentation that may be personalized with supplementary audio, video, or graphic content. The multimedia presentation ultimately displayed includes components from an original video stream transmitted via a set-top box (STB) and a user's personalized content. According to Chernock, the original video stream is transmitted to the STB with defined "holes". The STB then incorporates user-defined personalized

information into the “holes” to form an image. The user-defined personalized information is not transmitted with the original video stream, but is instead stored on the STB and later superimposed onto the original video stream. *See*, Chernock, col. 3, lns. 10-13, 22-24.

Unlike Claim 1 of the instant application, Chernock fails to disclose an application that is superimposed on a principal video program. The structure of an application, such as that described in this application, is far more complex than the simple audio or video objects added to the principal program in Chernock. In sharp contrast to Chernock, this application describes the transmission of an entire data structure that provides a complete interactive application. Chernock, to the contrary, simply describes superimposing previously stored data objects into a principal program. As noted above, these data objects are not transmitted with the principal program, but are instead previously stored in a STB.

Use of the data structure described by Claim 1 provides important and unique advantages. This novel data structure, which includes INITIALIZATIONS, DRAWS, PAlettes, and SCREENS, makes it possible to repetitively recompile data while preparing the interactive application for viewing (see para. [0006] of the Specification). In contrast, Chernock merely states that HTML structure is used, and fails to further specify the structure of the data that is transmitted. One skilled in art would therefore understand Chernock to be merely concerned with the information sent to the STB, but not the structure thereof. *See*, col. 4, lines 10-25. Thus, Chernock does not disclose the data structure recited in Claim 1 or the steps of transmitting and using it.

Another feature described in this application, but not in Chernock, is that the INITIALIZATIONS define the positioning of elements in the data structure used for the transmission of the interactive application. During the construction of a final animated image, the INITIALIZATIONS are used to determine the position in the data structure of DRAWS belonging to

the screen image to be displayed. Once located, the DRAWS are retrieved and displayed. This method of retrieving components and constructing an image is closely linked to the data structure. Chernock does not describe or suggest such a structure or its equivalent. Lacking any suggestion of a data structure containing INITIALIZATIONS and DRAWS, Chernock also fails to suggest the construction of an image by identifying DRAWS based on the INITIALIZATIONS, and retrieving the same from the data structure. Instead, Chernock suggests the positioning of “holes” on the screen (“screen location”). *See* col. 4 lines 17-18. Thus, the only “structure” according to Chernock is the image or screen with a “hole”, while the “structure” defined by the INITIALIZATIONS components according to this application is the data structure used to convey the data of the application on the network to the digital terminal.

Chernock also fails to disclose, and the Examiner agrees, associating a series of stimuli and actions to enable navigation between screen images; and grouping elemental components in different classes according to the *treatment* the elemental components require by a digital terminal, wherein elemental components within each class require common treatment by the digital terminal. Nonetheless, the Office Action looks to LaRocca as disclosing these features. For reasons set forth below, the Applicants submit that LaRocca fails to disclose both of these features, and in fact teaches away from classifying elemental components according to a common treatment by a digital terminal.

LaRocca is directed to a multimedia stream that incorporates interactive support for multiple types of subscriber terminals. *See*, Abstract. According to LaRocca, a multimedia stream is created by multiplexing several component streams. The component streams include a video stream, an audio stream, and an interactive data stream. *See* Figs. 9A-C. The interactive data stream is configured to include data that is specific to one or more different *types* of subscriber terminals. *See*

*Abstract.* As a result, each multiplexed multimedia stream may only be utilized by a specified type of subscriber terminal.

In sharp contrast to the “grouping” feature recited in Claim 1, LaRocca does not group elemental components according to a required treatment by a digital terminal. Instead, LaRocca specifically groups or associates data according to the data’s compatibility with a particular type of subscriber unit. Under LaRocca, subscriber “types” are identified, for example, according to their respective chip sets. *See* col. 16, lines 13-21. Thus, subscriber units having different chip sets are considered to be “different types” of units. As a result, interactive data for use in one type of subscriber unit will be configured and grouped differently than interactive data that will be used in a second type of subscriber unit.

By way of example, LaRocca considers three “classes”: video streams 902, audio streams 904, and interactive streams 906A-C. *See* Figs. 9A-C. The interactive data 906A-C is comprised of data objects 1302 and control information 1304 which are specific to a particular type subscriber terminal 1212. (*See* Fig. 13; col. 15, ln. 61 - col. 16, lns. 4, 29-37). That is, objects 1302 and their respective control information 1304 are grouped for compatibility with a particular type of subscriber unit.

In sharp contrast to LaRocca, the elemental components in the present application are classified according to their respective treatment by a digital terminal. For example, components of the “INITIALIZATIONS” class will be treated as positioning elements for the other components of the data structure; components classified as “DRAWS” will be treated as graphical representations; and components classified as “SCREENS” will be treated as screen image descriptions by the digital terminal. Contrary to LaRocca, none of these classes are specific to a particular type of subscriber

unit. Instead, the elemental components of the instant application are grouped according to their respective treatment by a digital terminal. Grouping the elemental components in this manner provides several advantages. For one, this type of grouping facilitates displaying animated images, particularly because a given terminal is able to process (e.g., apply analog treatments) to all elemental components of the same class at the same time. As a result, animation may be hastened and processing may be customized to account for specificities of the delivery network, for example, without regard to the particular type of subscriber unit.

Therefore, since LaRocca fails to disclose grouping elemental components according to their treatment by a digital terminal, and instead describes grouping data objects according to the data's compatibility with a particular type of subscriber unit, the Applicants submit that Claim 1, and each of Claims 4, 12-18 which recite similar features, are fully patentable over LaRocca, and over any combination of Chernock and LaRocca.

Claims 2, 5, 6, 7, and 8 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Chernock in view of LaRocca and in further view of Kamanda. For at least those reasons discussed above, the Applicants submit that each of Claims 2, and 5-8 are fully patentable over Chernock and LaRocca. Since Kamanda fails to cure the deficiencies of both Chernock and LaRocca, the Applicants submit that Claims 2, and 5-8 are fully patentable over any combination of Chernock, LaRocca, and/or Kamanda.

In view of the foregoing, the Applicants submit that the entire application is now in condition for allowance, which notice is earnestly solicited. If the Examiner believes that a telephone interview would be of assistance in advancing the prosecution of this application, the Examiner is invited to telephone the undersigned.

Respectfully submitted,



T. Daniel Christenbury  
Reg. No. 31,750  
Attorney for Applicants

TDC/nm  
(215) 656-3381